

04 NCAC 24B .1101 is proposed for adoption as follows:

SECTION .1100 NATIONAL DIRECTORY OF NEW HIRES

04 NCAC 24B .1101 NDNH CLAIMANT NOTICE

(a) When DES receives NDNH information that a claimant has returned to work, DES shall send written notice to the claimant requesting employment and wage information. The notice shall inform the claimant that:

- (1) DES is conducting an audit of the claimant's claim for unemployment benefits;
- (2) DES received information that the claimant may have filed, continued to file, or received unemployment benefits during weeks when the claimant may have been employed;
- (3) DES shall request from the employer the actual wages earned for the weeks where the claimant may have been employed while claiming or receiving unemployment insurance benefits;
- (4) he or she shall respond to DES with the employment and wage information requested in the notice within 14 days of the date that the notice was mailed or sent by electronic transmission to the claimant;
- (5) he or she is required to report all wages earned when filing weekly certifications;
- (6) an overpayment of unemployment insurance benefits may exist;
- (7) the claimant may be required to repay any benefits determined to be overpaid;
- (8) working, earning wages, and failing to report employment or wages may constitute fraud under G.S. 96-18;
- (9) individuals may be criminally prosecuted for committing fraud; and
- (10) the consequences for failing to respond to DES's request for employment information include suspension of benefit payments to determine eligibility.

(b) Each notice shall request that the claimant certify that he or she did not work for the listed employer during the specified time period, or provide and certify that the following information is true and correct:

- (1) the employer's phone number;
- (2) the claimant's job title;
- (3) the month during which the claimant may have been hired;
- (4) the first date of the claimant's employment;
- (5) the last date that the claimant actually worked for the employer;
- (6) the claimant's starting and current rate of pay;
- (7) the claimant's employment status with the employer;
- (8) the claimant's pay records for the specified time period;
- (9) the claimant's standard or customary work week;
- (10) the total number of hours worked by the claimant for the specified weeks; and
- (11) the amount and type of any other pay earned by the claimant for the specified weeks.

1 (c) Each notice shall provide information on how the claimant may contact DES's Benefits Integrity Unit by mail,
2 fax, or email to provide the requested employment and wage information.

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4 *History Note: Authority G.S. 96-14.1; 94-14.9; 96-18;*

5 *Eff. October 1, 2017.*